

## **Senate Bill No. 1462**

### **CHAPTER 338**

An act to add Chapter 13 (commencing with Section 8885) to Division 1 of Title 2 of the Government Code, relating to telecommunications.

[Approved by Governor September 25, 2010. Filed with  
Secretary of State September 27, 2010.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

SB 1462, Padilla. Telecommunications: California Broadband Council.

The existing federal Telecommunications Act of 1996 establishes a program for the regulation of telecommunications to attain the goal of local competition, while implementing specific, predictable, and sufficient federal and state mechanisms to preserve and advance universal service, consistent with certain universal service principles. The universal service principles include the principle that consumers in all regions of the nation, including low-income consumers and those in rural, insular, and high-cost areas, should have access to telecommunications (including broadband) and information services, including interexchange services and advanced telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas. That act additionally requires the Federal Communications Commission and each state commission with regulatory jurisdiction over telecommunications services, in California the Public Utilities Commission, to encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans by utilizing, in a manner consistent with the public interest, convenience, and necessity, price-cap regulation, regulatory forbearance, measures that promote competition in the local telecommunications market, or other regulating methods that remove barriers to infrastructure investment. The act defines "advanced telecommunications capability," without regard to any transmission media or technology, as high-speed, switched, broadband telecommunications capability that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications using any technology.

This bill would establish the California Broadband Council in state government for the purpose of promoting broadband deployment in unserved and underserved areas of the state and broadband adoption throughout the state, impose specified duties on the council relating to that purpose, and specify the membership of the council.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 13 (commencing with Section 8885) is added to Division 1 of Title 2 of the Government Code, to read:

CHAPTER 13. CALIFORNIA BROADBAND COUNCIL

8885. The California Broadband Council is established in state government for the purpose of promoting broadband deployment in unserved and underserved areas of the state, as defined by the Public Utilities Commission, and broadband adoption throughout the state for the benefit of all Californians.

8886. (a) The membership of the California Broadband Council shall include all of the following:

- (1) The State Chief Information Officer, or his or her designee.
- (2) The President of the Public Utilities Commission, or his or her designee.
- (3) The Secretary of California Emergency Management, or his or her designee.
- (4) The Superintendent of Public Instruction, or his or her designee.
- (5) The Director of General Services, or his or her designee.
- (6) The Secretary of Business, Transportation and Housing, or his or her designee.
- (7) The President of the California Emerging Technology Fund, or his or her designee.
- (8) A member of the Senate, appointed by the Senate Committee on Rules.
- (9) A member of the Assembly, appointed by the Speaker of the Assembly.

(b) Members of the Legislature appointed to the council shall participate in the activities of the council to the extent that their participation is not incompatible with their positions as Members of the Legislature.

8887. Duties of the California Broadband Council shall include, but not be limited to, all of the following:

- (a) Ensuring communication among state agencies regarding California's participation in proceedings related to the National Broadband Plan released by the Federal Communications Commission.
- (b) Ensuring that state agencies share all relevant information in order to maximize California's opportunities for federal and private funding for broadband deployment and adoption.
- (c) Ensuring that all relevant state agencies are made aware of actions necessary to fully implement recommendations in the 2008 Broadband Task Force Report.
- (d) Identifying opportunities for state agencies and state broadband networks to share facilities, rights-of-way, or other resources related to broadband deployment and adoption.

(e) Taking any other actions to ensure that state agencies are coordinating efforts and resources to promote broadband deployment and adoption.

8888. (a) The President of the Public Utilities Commission shall call the first meeting of the California Broadband Council, to be held not later than March 1, 2011. The President of the Public Utilities Commission shall serve as chair of the council for the first meeting.

(b) At the first meeting, the members of the council shall choose a chair for subsequent meetings, and may choose a vice chair to act as chair when the chair is unavailable.

(c) Subsequent meetings of the council shall be convened as determined by the chair of the council, but in no event shall the meetings be convened less than three times annually.

(d) The office of the council member serving as chair shall provide administrative support to the council.

8889. (a) The council shall be subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3).

(b) The council shall provide opportunities for stakeholder groups to provide input about broadband deployment and adoption at its regular public meetings, and may provide additional opportunities through public hearings, roundtables, advisory committees, or other means, as determined by the council.